IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

Civil Revision Application No.97 of 2007.
[Tarachand S/o Vithobaji Mudgalkar]
Vs.
[Prakashchandra S/o Tarachand Parekh & others.]

Office Notes, Office Memoranda of Coram,appearances,Court's orders or directions and Registrar's orders.	**Court's or Judge's orders**

Shri M. B. Naidu, Advocate for the applicant.

Coram: A. H. JOSHI, J.
Dated: 19th November 2007.

1. By this application, the Judgment and order passed by the District Judge-3 Nagpur in M.C.S. No. 215 of 2005 passed on 5./4.2007 is challenged.

2. The delay caused in filing of memo of appeal was sought to be condoned on two grounds namely (1) that the wife of the applicant No.1 had expired, and (2) that the certified copy was lost

3. These allegations have been replied in reply to the application for condonation of delay in the form of denial.

4. The parties have permitted the Court to proceed on the basis of the affidavit, and counter affidavit in support of and against the prayer of condonation.

5. No efforts were made by petitioner to test veracity of respondent's affidavit through the equipment of cross-examination.

6. The delay of 110 days has been condoned as the Judge believed case of respondent No.1 by the impugned order by giving cogent reasons.

7. The order impugned does not suffer from the defect of recording any

finding contrary to the record or for failure to consider any material on record.

8. The effort of the applicant is to falsify the respondents' story by filing the present petition, however, without showing as to how the order impugned is erroneous. Without efforts to falsify the respondent as to why his version could not have been believed, challenge to impugned order is rendered without any base.

9. No interference is called for. Civil Revision application is dismissed.

JUDGE

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